

15 CR 509 (CS)

12-7-2021 P.5.1 of 5

To: Judge Seibel

From: Larry Graves

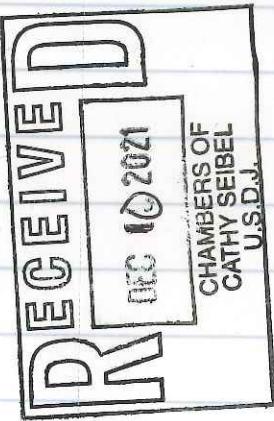
Subject: CARES Act - Compassionate Release

Dear Judge

I first and foremost want to say hello. Happy Holidays; and I wish you in the best of health.

Before I get to the gist of this letter I want to first cover how I did go through the proper protocol before appealing to you.

Since 11-18-2021 this facility has been "and still is as of the date of this writing", been operating in the Covid 19 protocol level of Code-Red. With this being the case, Code-Red does not allow us to use the legal library so I can't get the proper paper-work to mail to you, nor could I get the denial that was told to me by this facility staff member. Therefore; I had no other choice but to go on the computer and write to you word for word what I asked, who I asked, the date, and the reply that was given to me. All I'm about to say can be proven because its attached to my email service.



P6.2 of 5

I'm quoting verbatim word for word...

On 11-2-2021 I wrote the following email to the facility C.M.C's personal.

"Quote"

I'm requesting that I please be evaluated for the Cares Act.. Its to my understanding that to meet the requirements all that need to be is the inmate has to have 4 years or less and a non-violent crime.. If that is the case then I do meet both requirements.

"End Quote"

The same day 11-2-2021 I got a response to my request from this facility C.M.C's Staff member that reads,

"Quote"

You are not eligible. Medium Pattern Level, Prior Violence, Pending charges (even if resolved). You remain ineligible for the other reasons.

"End Quote"

Judge, I do have a much more personal issue to get to, but I would like to address this denial with you first.

1. Medium Pattern Level: Judge, I'm not sure how to properly respond to that because I'm

P.6.3 of 5

not aware of how they come up with such things as Pattern Level.

2. Prior Violence: This 1992 crime that's being spoken about is not apart of my P.S.I. I was not given criminal history points for this past conviction. I'm not sure how or why she would use that as part of the denial reason.

3. Pending Charges: Judge, I don't have any pending charges "As per the City of Poughkeepsie court clerk has told my family."

All this leads me to my last but personal issues.

I lost my Dad to the Covid-19 virus. I did not bring this up in my Covid-19 release motion to you because I did not want to use this as a issue. I'm bringing it up now because yesterday I was told that my Mom was diagnosed with Lung Cancer. My brother & Sister both told me of our mothers condition. As of the date of this writing I do know Mom is still in the hospital. As I stated before I'm just ready to go out there and do the right thing by my family & community. I've given to you my business plan

P.G. 4 of 5

Its far from complete but its a start.

Judge, with the Covid-19 issues our country is facing we as inmates has been unable to do anything. I'm literally just sitting here. I have not been part of any programming in the last 30 months or so because of this pandemic. I'm just ready to be reunited with my family & community.

I hope to hear from you soon.

Happy Holidays

P.S.

My Sister name & number is  
Colleen Graves King: # 518-337-3348

My brother name & number is  
Joshua Graves: # 845-541-5552

My Mom name is Brenda Graves: I'm not sure what hospital she is currently in.

My Dad name David Whitaker

P.G. 5 of 5

I'm not sure the name of the hospital he died in, nor the day. My brother would provide the courts of any information that is needed to verify this statement. His name and number is Shawn Whitted : 323-316-8656

Sincerely,  
Larry Graves  
Larry Graves

I am sorry to hear of Mr. Graves' father's passing and his mother's illness. But, unfortunately, not being present for family lifecycle events is part and parcel of being incarcerated and does not rise to level of extraordinary and compelling. Even considering those family troubles in combination with the factors set forth in Mr. Graves' previous application does not alter my conclusion that there are no extraordinary and compelling circumstances. Luckily there are no inmate COVID cases at his facility. Even if there were extraordinary and compelling circumstances, they would still be outweighed by the 3553(a) factors, as set forth in my previous ruling (ECF No. 288). Accordingly, the application is denied. The Clerk of Court shall send a copy of this endorsement to Mr. Graves.

SO ORDERED.

Cathy Seibel  
CATHY SEIBEL, U.S.D.J.

12/16/21

Henry Grues 72250-554  
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181



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To: Judge Cathy Seibel  
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